

### **REMARKS**

In the Final Office Action mailed January 25, 2005, the Examiner: (1) rejected claims 1, 4, 6, 11, 12, 17 and 20 under 35 U.S.C. § 102(e) as being anticipated by Dewkett et al. (U.S. Patent No. 5,646,676); (2) rejected claims 2, 18 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Ehreth (U.S. Patent No. 6,286,142); (3) rejected claims 3, 5, 10, 13, 15, 19, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks (U.S. Patent No. 6,139,197); (4) rejected claims 7-9, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Hluchyj (U.S. Patent No. 6,151,325); (5) rejected claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Cannon et al. (U.S. Patent No. 6,014,706); and (6) rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al. (U.S. Patent No. 6,052,715). In the Decision on Appeal mailed May 1, 2007 ("Decision"), the Board of Patent Appeals and Interferences ("Board") affirmed the Examiner's rejections of claims 1-26. Although Applicant disagrees with the conclusions reached by the Board in its Decision, Applicant hereby amends independent claims 1 and 17 and dependent claim 6 in order to distinguish the prior art relied upon in the rejections of claims 1-26.

### **Claim Rejections - 35 U.S.C. 102**

#### ***Independent Claims 1 and 17***

Claims 1 and 17 are rejected under 35 U.S.C. § 102(e) as anticipated by Dewkett et al. In its Decision, the Board found that:

Dewkett teaches a number of processors within his [multimedia] system, some (e.g. CPUs 101) controlling higher functions of

starting and stopping the streaming at a command level, and some (such as MMC processors 401) handling the detailed processing at the data block level for supplying the STBs with streams of video. All the processors are part of the permanent circuitry with concurrent access to the set of storage devices, though certain processors may control only certain members of the set, activating them in an organized manner according to their respective programming.

Decision, at 5-6.

In particular, the Board was persuaded that claims 1 and 17 were not distinguished from

Dewkett et al. because:

The claim does not require that all processors have the same programming or do exactly the same function, but rather that they all are configured to effect the streaming of a plurality of video streams, in the manner claimed. . . . And the claims, especially claim 6, recognize that “at least one of the plurality of processors” may be running a video server program while others are doing other functions.

Decision, at 6.

This passage of the Decision suggests that an amendment to claims 1 and 17 drawn to these distinguishing features would be allowable over Dewkett et al. Although Applicant disagrees with the Board’s characterization of Dewkett et al., Applicant has amended claim 1 herein to address certain of the distinguishing features suggested in the Board’s Decision. Specifically, independent claim 1 has been amended to recite an interactive multimedia system comprising (in part) a massively parallel video server that includes:

a set of storage devices; and

a plurality of ~~processors~~ nodes configured to stream a plurality of video streams from one or more video titles stored in the set of storage devices, each of the plurality of nodes comprising a processor, each of the processors running a video server program for streaming one or more of the video streams from the one or more video titles stored in the set of storage devices, and the ~~plurality of processors~~ all having concurrent access to said set of

storage devices for concurrently streaming the plurality of video streams . . . .

Claim 1, ll. 3-9. Claim 17 has been amended to include recitations similar to those cited in claim

1. See Claim 17, ll. 4-10. Support for these amendments may be found at least on page 7, line 18, through page 8, line 12, and in FIGS. 2 and 3 of Applicant's original specification.

Prior to this amendment, the Board and the Examiner read the claimed plurality of processors on both the CPUs 101 and MMC processors of Dewkett et al. Decision, at 5 (quoted above); Final Office Action, p. 2, l. 13, through p. 3, l. 11, and p. 6, l. 22, through p. 7, ll. 10. However, Dewkett et al. explicitly states that the "CPUs [101] ... of the host system are **not** used for [multimedia] data transmission." Dewkett et al., col. 10, ll. 4-5 (emphasis added). See also id., col. 4, ll. 35-49, and col. 5, ll. 60-63. Thus, the CPUs 101 described in Dewkett et al. do not "each . . . ru[n] a video server program for streaming one or more of the video streams from the one or more video titles stored in the set of storage devices," as recited in amended claims 1 and 17. Instead, Dewkett et al. uses multimedia controller (MMC) processors 401 to "control movie data transmission to the STB[s]." Id., col. 16, l. 48.

The Examiner asserts that the "host MMC processor" runs a video server program. Final Office Action, at 8. However, Dewkett et al. does not show "each of the processors running a video server program for streaming one or more of the video streams from the one or more video titles stored in the set of storage devices, *and* the processors all having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams," as recited in amended claims 1 and 17 (emphasis added). The MMC processors 401, i.e., the processors asserted to run the video server program, do not have "concurrent access to said set of storage devices," as recited in claims 1 and 17. Rather, each MMC processor 401 has access only to those disks 107 that are connected to the disk adapters 303 controlled by the individual MMC

processor 401. Id., FIGS. 3 and 4, and col. 4, ll. 41-44. In fact, rather than providing concurrent access to disks 107, Dewkett et al. describes using CPUs 101 to copy movies between from a disk 107 accessible to one MMC processor 401 to a disk accessible to another MMC processor 401 that is servicing the requesting STB. Id., col. 16, ll. 36-40.

Thus, Dewkett et al. does not show “*each* of the processors running a video server program for streaming one or more of the video streams from the one or more video titles stored in the set of storage devices, *and* the processors *all* having concurrent access to said set of storage devices for concurrently streaming the plurality of video streams,” as recited in amended claims 1 and 17 (emphasis added). Rather, Dewkett et al. uses one set of processors (processors 401 of the MMC) to control movie data transmission to the STBs (id., col. 16, l. 48), and another set of processors (processors 101 of the host system) to copy movies between only those disks 107 that are accessible to the individual MMC processors 401 (id., col. 16, ll. 36-40; see also id., col. 4, ll. 35-49). With this design, Dewkett et al. discloses that “the bandwidths of the buses in the host computer system ... do not limit the rate of multimedia data transfers controllable by the host system,” in contrast to the prior art. Id., col. 10, ll. 11-14.

For at least these reasons, Dewkett et al. does not teach each and every recitation of amended claims 1 and 17. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

***Dependent Claims 4, 6, 11, 12 and 20***

Claims 4, 6, 11, 12 and 20 depend from one of claims 1 and 17. As explained, amended claims 1 and 17 are allowable over Dewkett et al. Accordingly, claims 4, 6, 11, 12 and 20 are allowable over Dewkett et al. for at least the same reasons as those set forth for claims 1 and 17.

Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

**Claim Rejections - 35 U.S.C. 103**

***Dependent Claims 2, 18 and 26***

Claims 2, 18 and 26 are rejected as allegedly unpatentable over Dewkett et al. in view of Ehreth. Claims 2, 18 and 26 depend, directly or indirectly, from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al. Moreover, Ehreth fails to remedy the above-noted deficiencies of Dewkett et al. For at least these reasons, Dewkett et al. and Ehreth, taken alone or in combination, do not teach or suggest the recitations of claims 2, 18 and 26, and thus do not establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

***Dependent Claims 3, 5, 10, 13, 15, 19, 23 and 24***

Claims 3, 5, 10, 13, 15, 19, 23 and 24 are rejected as allegedly unpatentable over Dewkett et al. in view of Banks. However, these claims depend, directly or indirectly, from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al., for at least the reasons set forth above, and Banks does not cure the cited deficiencies of Dewkett et al. For at least these reasons, neither Dewkett et al. nor Banks, nor their combination, teach all of the recitations of claims 3, 5, 10, 13, 15, 19, 23 and 24, and thus do not establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

***Dependent Claims 7-9, 21 and 22***

Claims 7-9, 21 and 22 are rejected as allegedly unpatentable over Dewkett et al. in view of Hluchyj. Claims 7-9, 21 and 22 depend from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al. Further, Hluchyj fails to cure the above-noted deficiencies of Dewkett et al. Consequently, the rejection of claims 7-9, 21 and 22 is not supported by Dewkett et al. or Hluchyj, whether taken alone or in combination, and Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

***Dependent Claims 14 and 25***

Claims 14 and 25 are rejected as allegedly unpatentable over Dewkett et al. in view of Banks and Cannon et al. However, these claims depend from claims 3 and 19, respectively. As explained, claims 3 and 19 are allowable over Dewkett et al. in view of Banks. Moreover, Cannon et al. fails to cure the deficiencies of Dewkett et al. and Banks discussed above. Thus, for at least these reasons, Dewkett et al., Banks and Cannon et al., taken alone or in any combination, fail to teach or fairly suggest the recitations of claims 14 and 25. Accordingly, Applicant respectfully requests that the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

***Dependent Claim 16***

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al. However, claim 16 depends from claim 5. As explained,

claim 5 is allowable over Dewkett et al. in view of Banks. Moreover, Fukui et al. does not cure the above-cited deficiencies of Dewkett et al. and Banks. Thus, for at least these reasons, Dewkett et al., Banks and Fukui et al. fail to teach or fairly suggest the recitations of claim 16, whether taken alone or in any combination. Accordingly, Applicant respectfully requests that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

### **Conclusion**

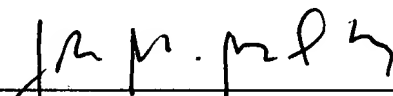
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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